

February 9, 2022

VIA CM/ECF

The Honorable Vera M. Scanlon
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East, Room 1214 South
Brooklyn, NY 11201

Re: *B&R Supermarket, Inc., et al. v. Visa Inc., et al.*, No. 1:17-cv-02738-MKB-VMS

Dear Judge Scanlon:

We write on behalf of Defendants and with the consent of Plaintiffs in the above-captioned action to respectfully request that the Court modify the case schedule to provide a one-week extension of the deadline for merits expert discovery.

Per the Court's Order entered on October 5, 2021, the schedule in this action currently reflects that the deadline to complete expert discovery, including depositions, is February 28, 2022, and that the parties must file a joint letter certifying that expert discovery is complete by that same date. Due in part to health issues affecting the availability of certain counsel to prepare for an expert deposition that was scheduled for February 18, 2022, Defendants request a one-week extension of the February 28 expert discovery deadline in order to take that deposition on March 4, 2022—which is the earliest date mutually available to all parties and the witness. Given that the deposition is anticipated to go late into the evening on Friday, March 4, the parties request an extension to Monday, March 7 to file a joint letter certifying that expert discovery is complete.

Plaintiffs consent to these proposed modifications of the schedule.

There have been no prior requests to extend this deadline.

For the reasons set forth above, the parties respectfully request that the Court adopt the proposed schedule agreed upon by the parties. We appreciate Your Honor's attention to this issue.

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Sincerely,

/s/ Matthew A. Eisenstein

Matthew A. Eisenstein

Counsel for the Visa Defendants

cc: All counsel of record (via ECF)